

U. S. House of Representatives
Washington, D. C. 20515

0338

March 16, 2011

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski,

Next month marks one year since the Commission first proposed to adopt a data roaming rule, and it is well over three years since the Commission first solicited comment on whether to do so. As Members of the Communications and Technology Subcommittee, we are writing to urge you to bring the data roaming issue to a vote at the Commission's April meeting and extend the current voice roaming rule to cover wireless data services. Adoption of this rule offers enormous consumer and competitive benefits.


Last year, the National Broadband Plan recommended that the FCC move forward quickly to address data roaming. As consumers increasingly use wireless services and devices that fully integrate data and voice capabilities, it is critical to have a data roaming rule that ensures competition and the seamless availability of the wireless services that consumers have come to expect. At the same time, smaller carriers often have little choice for roaming partners other than their largest rivals.

The certainty of data roaming on fair terms and conditions will also give carriers the resources and the confidence to continue to invest in their businesses, spurring investment in new wireless infrastructure, creating jobs, enhancing competition and providing consumer choice. The voice roaming rule facilitated network buildout in smaller and rural communities because it enabled carriers to provide service in the very sparsely populated areas adjacent to these communities, and a data roaming rule would spur the same kind of build-out.

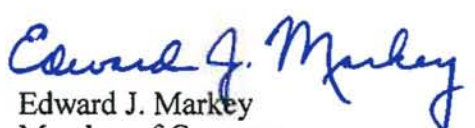
Finally, we believe that the adoption of a data roaming requirement would constitute a narrowly tailored exercise of the Commission's authority. It is similar to other obligations that the Commission has routinely imposed on wireless carriers as a condition of licensing; it fulfills Congress's specific directive to avoid regulatory disparities among functionally equivalent wireless services; and it prevents the frustration of specific provisions of the Communications Act.

We respectfully urge you to act at your April meeting to adopt this pro-consumer, pro-investment, pro-competitive rule.

Sincerely,



Anna G. Eshoo
Member of Congress



Edward J. Markey
Member of Congress



Michael F. Doyle
Member of Congress



Doris O. Matsui
Member of Congress

cc: Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 18, 2011

The Honorable Anna G. Eshoo
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your recent letter urging the Commission to move forward with its rulemaking on the data roaming obligations of commercial wireless providers. I am pleased to report that, based on an extensive record and the recommendation of the FCC staff, today I am circulating to my colleagues a draft order for their consideration that puts in place an obligation on providers of commercial mobile data services to offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain limitations intended to protect the legitimate interests of the companies that would be providing roaming. Such an approach would stimulate constructive private commercial negotiations, unleash investment in networks, and ultimately foster competition and benefit consumers.

For nearly 30 years, the Commission has, on a bipartisan basis, required roaming in one form or another to "continue to foster the development of seamless automatic roaming services for all [] subscribers in the nation."¹ As you are likely aware, the National Broadband Plan identified data roaming as a key element of a healthy broadband ecosystem. The Plan explained that "[d]ata roaming is important to entry and competition for mobile broadband services and would enable customers to obtain access to e-mail, the Internet and other mobile broadband services outside the geographic regions served by their providers." In April 2010, the Commission unanimously adopted a Notice of Proposed Rulemaking that sought further comment on whether to implement a data roaming requirement for wireless providers in order to ensure that Americans had access to multiple competitive providers that offer seamless nationwide voice and data coverage.

Through the record in this proceeding, it has become clear that a data roaming rule is necessary to ensure vibrant competition in the mobile marketplace, to unleash billions of dollars of investment that is currently sidelined, to create thousands of new jobs and to meet the consumer demand for seamless nationwide coverage, be it for voice or data. The record contains abundant evidence from both national and rural businesses that a data roaming rule is necessary to achieve these important goals because some providers have been unwilling to negotiate either

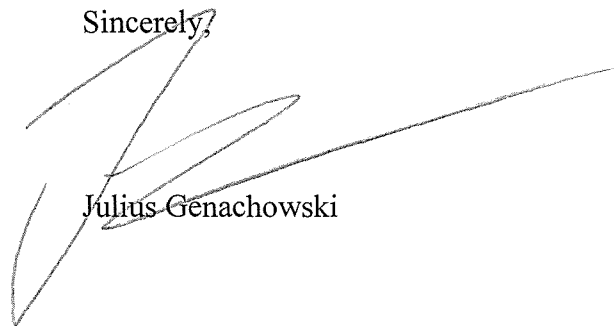
¹ Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers, WT Docket No. 05-265, *Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd 15817, 15831 ¶ 35 (2007).

3G or 4G data roaming agreements or have created long delays or taken other steps to impede healthy competition and roaming for consumers. Moreover, as the mobile world moves to LTE, the Commission's basic bipartisan voice roaming rules will be in jeopardy, as they will no longer ensure automatic voice roaming.

To address these issues, I have proposed data roaming rules that incent potential roaming partners to come to the bargaining table to negotiate private commercial deals. These rules also balance the need for commercial roaming agreements with the legitimate challenges posed by network congestion. Moreover, it ensures that the Commission is merely a backstop in the process, and that it is in the best interest of all parties to work out private deals without relying on the Commission.

Thank you again for taking the time to express your views on this very important matter. I am happy to answer any further questions you may have.

Sincerely,

A handwritten signature in dark ink, consisting of a large, stylized 'J' followed by a long horizontal stroke that extends to the right.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 18, 2011

OFFICE OF
THE CHAIRMAN

The Honorable Mike Doyle
U.S. House of Representatives
401 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Doyle:

Thank you for your recent letter urging the Commission to move forward with its rulemaking on the data roaming obligations of commercial wireless providers. I am pleased to report that, based on an extensive record and the recommendation of the FCC staff, today I am circulating to my colleagues a draft order for their consideration that puts in place an obligation on providers of commercial mobile data services to offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain limitations intended to protect the legitimate interests of the companies that would be providing roaming. Such an approach would stimulate constructive private commercial negotiations, unleash investment in networks, and ultimately foster competition and benefit consumers.

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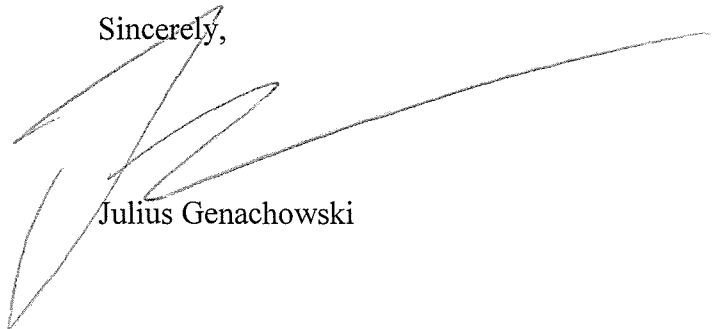
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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 18, 2011

The Honorable Edward J. Markey
U.S. House of Representatives
2108 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Markey:

Thank you for your recent letter urging the Commission to move forward with its rulemaking on the data roaming obligations of commercial wireless providers. I am pleased to report that, based on an extensive record and the recommendation of the FCC staff, today I am circulating to my colleagues a draft order for their consideration that puts in place an obligation on providers of commercial mobile data services to offer roaming arrangements to other such providers on commercially reasonable terms and conditions, subject to certain limitations intended to protect the legitimate interests of the companies that would be providing roaming. Such an approach would stimulate constructive private commercial negotiations, unleash investment in networks, and ultimately foster competition and benefit consumers.

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Julius Genachowski



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WASHINGTON

March 18, 2011

The Honorable Doris O. Matsui
U.S. House of Representatives
222 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Matsui:

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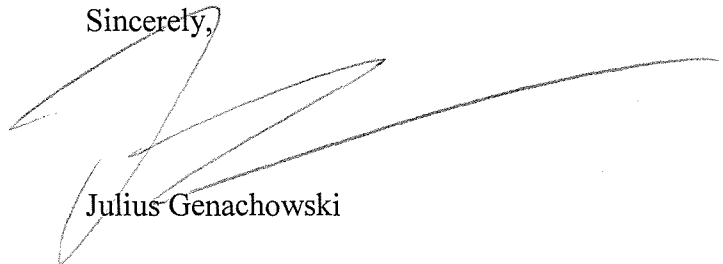
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Sincerely,

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Julius Genachowski